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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
(Portland Division)

ADI ACQUISITION CO., LLC,

Plaintiff,

v.

THEODORE L. VALLAS,

Defendant.

Civil No. 3:18-cv-01871-HZ

**DECLARATION OF AVA L.
SCHOEN IN SUPPORT OF
PLAINTIFF'S MOTION FOR
DEFAULT JUDGMENT AND
SUPPORTING MEMORANDUM**

I, Ava L. Schoen, do hereby declare as follows:

1. I am the attorney of record for Plaintiff in this action. I am over the age of 18, have personal knowledge of all of the facts herein, and am competent to testify thereto.

2. Based on reasonable investigation into this matter, I believe Defendant is not a minor, is not incompetent, and is not a member of the military.

3. Defendant was properly served with the Complaint and Summons in this case on November 8, 2018. (ECF. No. 9.) Defendant did not appear within the required 21-day

period, which ended on November 29, 2018. As of the date of this filing, Defendant has still failed to make any appearance or otherwise defend this matter.

4. Under the terms of the Note and the Guaranty, the amount due to Plaintiff is \$2,130,455.76. This is calculated by adding the principal amount of \$2,032,398.48 to the interest amount of \$159,029.22 (\$668.19 for the 238 days from April 16, 2018 through December 10, 2018), and subtracting the \$60,971.94 in Maker's interest payments to date. As such, Plaintiff's claims are for a sum certain or a sum that by computation can be made certain.

5. Under the terms of the Guaranty, Plaintiff is also entitled to recover its costs and attorney fees incurred in connection with the enforcement of the Guaranty. The costs incurred in this case are the filing fee of \$400.00 and a process server fee of \$453.25. The amount of attorney fees incurred as of November 30, 2018, is \$1,687.50. Attached as **Exhibit 1** is a true and correct representation of these costs and fees. These amounts are reasonable for the following reasons. First, Plaintiff has relied primarily on my work, at a standard hourly rate of \$375.00. Based on my knowledge and experience, this is a reasonable rate in light of the fees that would be charged by other firms in Portland, Oregon, for similar service by attorneys with similar experience levels. Second, the fees charged are reasonable considering the number of documents drafted, the issues researched, and time spent.

6. As of the filing of this declaration, Plaintiff's counsel has spent additional hours working on the motion for default judgment and accompanying pleadings. The fees incurred for this work are still outstanding and unbilled.

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Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing statements are true and correct.

DATED this 10th day of December, 2018.

TONKON TORP LLP

By s/ Ava L. Schoen

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ADI Acquisition Co., LLC**037840-00005**

<u>DATE</u>	<u>Invoice</u>	<u>DESCRIPTION</u>	<u>INIT</u>	<u>TIME</u>	<u>AMOUNT</u>
10/09/18	1574109	Research and draft complaint for breach of guaranty	ALS	2.40	900.00
10/23/18	1574109	Revise complaint; research home address of Mr. Vallas for service of process	ALS	0.60	225.00
10/24/18	1574109	Finalize complaint for filing	ALS	0.30	112.50
10/25/18	1574109	Prepare corporate disclosure statement and communications regarding same	ALS	0.20	75.00
11/02/18	1575292	Research initial filing obligations	ALS	0.20	75.00
11/06/18	1575292	Series of communications regarding service of complaint on Mr. Vallas	ALS	0.10	37.50
11/07/18	1575292	Series of communications regarding service of complaint on Mr. Vallas and research alternative service methods	ALS	0.50	187.50
11/30/18	1575292	Research filing of default judgment in district court; communicate with Mr. Beardsley regarding Mr. Vallas' failure to answer complaint	ALS	0.20	75.00
Total				4.50	1,687.50

Date	Description	Billable
10/08/18	Filing Fee - Oregon U.S. District Court - Complaint	400.00
11/09/18	Service of documents - Nationwide Process Service, Inc. Theodore L. Vallas	453.25
	Sum:	<hr/> 853.25